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SENATE BILL 2569

By Clabough

AN ACT to amend Tennessee Code Annotated, Title 50, Chapter 6, Part 2; Title 63 and Title 68, relative to medical fee schedule.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-6-204, is amended by deleting the following language in subsection (a)(4)(A): “; and, provided further, that the liability of the employer for such services rendered the employee shall be limited to such charges as prevail for similar treatment in the community where injured the employee resides.”

Tennessee Code Annotated, Section 50-6-204(a)(4)(A), is further amended by adding the following language:

Medical fees for the treatment of injured workers as required by this chapter shall be determined by a medical fee schedule. The Tennessee department of labor and workforce development is directed to promulgate rules to create this schedule. Prior to their promulgation these new rules shall be reviewed by the workers' compensation advisory council and by the joint committee on workers' compensation of the Tennessee general assembly. The department is directed to present these rules to the advisory council by September 1, 2002.

In carrying out this section, the department shall establish an appropriate medical provider fee schedule, medical cost containment system and utilization review which incorporates one (1) or more medical review panels to determine the reasonableness of charges and the necessity for the services, and limitations on fees to be charged by medical providers for testimony and copying or completion of records and reports and other provisions which, at the discretion of the commission, are necessary to encompass a complete medical cost containment program. The department may contract with a private organization or organizations to establish and implement such a medical cost containment system and fee schedule. All fees and other charges for such treatment or service shall be limited to such charges as prevail in the same community for similar treatment and shall be subject to regulation by the department. No medical bill shall be paid to any doctor until all forms and reports required by the department have been filed. Any employee receiving treatment or service under the provisions of this chapter shall not be held responsible for any charge for such treatment or service, and no doctor, hospital or other recognized medical provider shall attempt to bill, charge or otherwise collect from the employee any amount greater than, or in excess of, the amount paid by the employer, if self-insured, or its workers' compensation carrier. Any dispute over the amount charged for service rendered under the provisions of this chapter, or over the amount of reimbursement for services rendered under the provisions of this chapter, shall be limited to and resolved between the provider and the employer or carrier in accordance with the fee dispute resolution procedures adopted by the department.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.